

11137/04704



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nancy L. Paiva, et al.

Application Serial No. 09/890,167 ✓

35 U.S.C. 371

Completion Date: July 27, 2001 ✓

International

Filing Date: January 28, 2000

International

Application No: PCT/US00/03022

Group Art Unit 1638

For:

**TRANSGENIC PLANTS MODIFIED TO CONTAIN  
RESVERATROL GLUCOSIDE AND USES THEREOF**

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#3  
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Assistant Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on: **October 29, 2001** (Date of deposit)

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*Karen L. Knezek*  
\_\_\_\_\_  
Signature

Date of Signature: **October 29, 2001**

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicants hereby submit this Information Disclosure Statement pursuant to 37 C.F.R. §1.97(b)(3), or in the alternative, 37 C.F.R. §1.97(c) should the mailing date of the first office action precede the filing of this statement. If the first Office Action occurs before receipt of this document, pursuant to 37 C.F.R. §1.97(c) and §1.17(p), please withdraw the necessary fees from Deposit Account No. 18-1260.

In accordance with the requirements of 37 C.F.R. §§ 1.97 and 1.98, attached please find a Form PTO 1449 listing information for consideration by the Office in

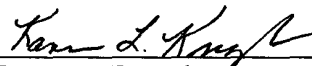
connection with its examination of the above-captioned patent application. Copies of each document listed are enclosed herein.

European Patent No. 0 309 862 was published in the German language. While Applicants have not provided a translation; U.S. Patent No. 5,689,046 is enclosed which claims priority to EP Application No. 3733017 which resulted in Patent No. 0 309 862.

The journal article by M. Acubilla (Acubilla, M. 1970. *Z. Pflanzenernaehr Bodenk* 127:64-74 appears to be written in German. An abstract in English is given on Page 74, indicating that the paper discloses fungistatic substances isolated from the inner bark of Norway spruce. Resveratrol glucoside and resveratrol are listed in Table 2-5. While Alcubilla discloses plants having endogenous resveratrol glucoside, the present application discloses transgenic plants genetically modified to contain resveratrol glucoside and uses thereof.

Applicants submit that no representation is made, and no representation is intended, that more relevant material does not exist, or that the order of presentation of these materials in any way reflects their relative pertinence. The listing on the attached Form PTO-1449 is not intended to constitute an admission of any kind. Specifically, this presentation is not an admission that any of the items listed are properly citable against the above-identified application as prior art.

Respectfully submitted

By:   
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